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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7
8 **KNIGHTS OF COLUMBUS,**

2:12-CV-688 JCM (VCF)

9 **Plaintiff(s),**

10 **v.**

11 **THE VIRGINIA TRUST, et al.,**

12 **Defendant(s).**
13

14 **ORDER**

15 Presently before the court is Magistrate Judge Ferenbach's amended report and
16 recommendation regarding interpleader and attorneys' fees. (Doc. # 42).¹ No objections to the
17 amended report and recommendation have been filed.

18 This court "may accept, reject, or modify, in whole or in part, the findings or
19 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to
20 a magistrate judge's report and recommendation, then the court is required to "make a de novo
21 determination of those portions of the [report and recommendation] to which objection is made."
22 28 U.S.C. § 636(b)(1).

23 Where a party fails to object, however, the court is not required to conduct "any review at all
24 . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

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26 ¹The same day the original report and recommendation was filed, defendants William Crosby and Danny Hill
27 filed an objection to the report and recommendation. (Doc. # 37). Defendants Crosby and Hill state that they "failed to
28 file an Opposition which would have allowed the Magistrate to review these issues prior to signing his Report and
Recommendation." (Doc. # 37, 3:13-15). On that basis, this court referred back the report and recommendation to
Magistrate Judge Ferenbach, (doc. # 38), and now the court is considering the amended report and recommendation.

1 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
 2 judge's report and recommendation where no objections have been filed. *See United States v.*
 3 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir.2003) (disregarding the standard of review employed by the
 4 district court when reviewing a report and recommendation to which no objections were made); *see*
 5 *also Schmidt v. Johnstone*, 263 F.Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's
 6 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any
 7 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's
 8 recommendation, then this court may accept the recommendation without review. *See e.g.*,
 9 *Johnstone*, 263 F.Supp.2d at 1226 (accepting, without review, a magistrate judge's recommendation
 10 to which no objection was filed).

11 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
 12 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
 13 and underlying briefs, this court finds good cause to adopt the magistrate's findings in full.

14 Accordingly,

15 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the amended report and
 16 recommendation of Magistrate Judge Ferenbach (doc. # 42) regarding interpleader and attorneys'
 17 fees, (doc. # 42) be, and the same hereby is, ADOPTED in its entirety.

18 IT IS FURTHER ORDERED that:

- 19 1. Knights may deposit with the clerk of the court \$500,473.34, plus interest accruing from the
 20 date of the decedent's death, October 1, 2011, until the time of deposit at the rate of 5.25%
 21 per year. Knights shall have up to, and including, November 16, 2012, to deposit these funds
 22 with the court.
- 23 2. Upon deposit of these funds, Knights will be discharged from any and all liability as to the
 24 death benefits that are the subject matter of this interpleader and will be dismissed from this
 25 case *with prejudice*, except that this discharge does not include any and all losses suffered
 26 by William Crosby and Danny Hill due to Knights' negligence, breach of contract and
 27 contractual duties, and any other applicable claims arising from Knights' conduct with regard
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1 to the policies at issue;

2 3. Upon the deposit of these funds, defendants, their attorneys, agents and other persons who
3 are in active concert or participation with them will be enjoined from commencing or
4 prosecuting any action against Knights regarding the death benefits that are the subject matter
5 of this interpleader action, in any federal or state court (this injunction does not preclude
6 commencement or prosecution of any action against Knights to recover any and all losses
7 suffered by William Crosby and Danny Hill due to Knights' negligence, breach of contract
8 and contractual duties, and any other applicable claims, arising from Knights' conduct with
9 regard to the policies at issue); and

10 4. After entry of the order described in the immediately preceding paragraphs 2 and 3, Knights
11 may file a motion for its attorneys' fees and costs in accordance with applicable local and
12 federal rules of procedure.

13 DATED October 16, 2012.

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16 **UNITED STATES DISTRICT JUDGE**